or more nucleic acid molecules encoding a primary effector molecule, classified in class 435, subclass 252.3,

Group II. Claims 2, 3-14, 16, 26-38, 40, 49-61, 63, 72-84, and 86 drawn to an attenuated tumor targeted bacteria comprising one or more nucleic acid molecules encoding one or more primary effector molecules and one or more secondary effector molecules, classified in class 435, subclass 252.3,

Group III. Claims 17, 20, 22-24, 41, 44-47, 64, 67, 69, 70, 87, 90, 92, and 93 drawn to an attenuated tumor targeted bacteria comprising one or more nucleic acid molecules encoding one or more fusion proteins comprising a signal sequence and a primary effector molecule, classified in class 435, subclass 252.3,

Group IV. Claims 17-24 and 41-47, 65-70, and 88-93, drawn to an attenuated tumor targeted bacteria comprising one or more nucleic acid molecules encoding one or more fusion proteins comprising a ferry peptide and an effector molecule, classified in class 435, subclass 252.3,

Group V. Claim 94, drawn to fusion protein comprising an OmpA-like protein and an effector molecule, classified in class 530, subclass 350, and

Group VI. Claims 95-99, drawn to fusion protein comprising a signal sequence, an ferry peptide and an effector molecule, classified in class 530, subclass 350.

Attorneys for Applicants would like to thank the Examiner, for the teleconference call on July 16, 2002 when the Examiner addressed questions regarding the outstanding restriction requirement. The Examiner forwarded an Interview Summary on July 18, 2002 summarizing the substance of the interview. The Applicants are required to provide a summary of the substance of the interview in filing a response to the outstanding Office Action, since the Examiner did not indicate otherwise.

In the teleconference, Groups V and VI, were discussed. It was noted that the subject matter of Claim 94 was not really encompassed by any of these groups. The Examiner agreed that Group V should actually read as follows:

V. Claim 95, drawn to fusion protein comprising an OmpA-like protein and an effector molecule, classified in class 530, subclass 350.

Group V thus, should include Claim 95, and not Claim 94.

Furthermore, the Examiner agreed that Group VI, should read as follows:

VI. Claims 96-99, drawn to fusion protein comprising a signal sequence, a ferry peptide and an effector molecule, classified in class 530, subclass 350.

Attorneys for Applicants requested assignment of Claim 94 to one of the groups. The Examiner agreed to assign Claim 94 to Group II.

A further election of a particular species was required in the Office Action in paragraph 5 of the Office Action, on p. 3. Attorneys for Applicants asked the Examiner to clarify how the species election should be made.

In response, the Examiner clarified the species election by directing attention, for example, to the Office Action which reads as follows:

> Claims 3, 5, 7, 9, and 11 are directed to:
> TNF family members, antiangiogenic factor, tumor inhibitory enzymes, hemolysin, verotoxin, CNF-1, CNF-2, or PMT.
> Claims 4, 28, 5, and 74 are directed to specific members of the TNF family.
> Claims 6, 30, 53, and 76 are directed to specific members of the antiangiogenic factor family.

Attorneys for Applicants were instructed to elect one member from each of the generic family members identified under the heading "Claims 3, 5, 7, 9, and 11". In other words, for the TNF family member, Attorneys for Applicants were instructed to elect one member of the TNF family members, enumerated under the heading "Claims 4, 28, 5, and 74". For the antiangiogenic factor, Attorneys for Applicants were instructed to elect one member from the members enumerated under the heading "Claims 6, 30, 53, and 76", *etc.*

Attorneys for Applicants were similarly instructed by the Examiner to elect one member of the bacteriocin family, one member of the tumor inhibitory enzymes, and one member from the cytotoxic polypeptides.

In order to be fully responsive, Applicants, through their undersigned representative hereby elect to prosecute the subject matter of Group II (Claims 2, 3-14, 16, 26-38, 40, 49-61, 63, 72-84, 86, and 94 and new claims 100-141) drawn to an attenuated tumor targeted bacteria comprising one or more nucleic acid molecules encoding one or more primary effector molecules and one or more secondary effector molecules. Applicants have canceled

claims in non-elected groups, without prejudice and Applicants reserve the right to prosecute the non-elected subject matter in one or more subsequent divisional or continuing application(s).

Furthermore, in response to the species election requirement, and the instructions made by the Examiner during the teleconference call, Applicants elect the following species:

With respect to TNF family member, Applicants elect TNF-α; with respect to anti-angiogenic factor, Applicants elect endostatin; with respect to tumor inhibitory enzymes, Applicants elect methionase; with respect to a cytotoxic peptide family member, Applicants elect verotoxin; with respect to a bacteriocin family member, Applicants elect ColE3.

In order to be fully responsive, with respect to the antisense molecule Applicants elect double stranded DNA; with respect to an anti-tumor protein, Applicants elect ricin; with respect to a pro-drug converting enzyme, Applicants elect cytosine deaminase; with respect to an immunomodulating agent , Applicants elect carcinoembryonic antigen (CEA); with respect to a release factor, Applicants elect BRP.

Claim 60 has been amended to more particularly describe the claimed invention, however no new matter has been added. New claims 100-141, are directed to the elected subject matter of Group II, and no new subject matter has been added. Claims 100-141 more particularly describe the claimed invention with respect to the secondary effector molecules. Support for the new claims can be found throughout the specification. Below is a Table of Support, referencing the support in the specification for the added new claims.

TABLE OF SUPPORT FOR NEW CLAIMS

CLAIM	SUPPORT
100, 113, 126	p. 44, lines 33-36
101, 114, 127	p.41, lines 21-30
102, 115, 128, and 103, 116, 129	p.43, lines 3-5
105, 117, 130	p.43, lines 14-15
105, 118, 131	p.45, line 15
106, 119, 132	p.43, line 35 to p.44 lines 1-4

107, 120, 133	p.44, line 3
108, 121, 134	p.44, line 4
109, 122, 135	p.44, line 8
110, 123, 136	p.44, line 10
111, 124, 137	p.44, lines 11-13
112, 125, 138	p.43, lines 24-25
139-141	p.43, lines 9-11

Entry of the remarks made herein is respectfully requested.

Respectfully submitted,

Date August 28, 2002

31,232

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Enclosure

EXHIBIT B

MARKED-UP COPY OF THE AMENDED CLAIMS AS OF ENTRY OF THE INSTANT AMENDMENT (filed August 24, 2000)

U.S. PATENT APPLICATION SERIAL NO. 09/645,415

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60. (Amended) The method of claim 49, wherein at least one of the secondary effector molecule is an anti-tumor protein, an immunomodulating agent, a pro-drug converting enzyme, an antisense molecule, a ribozyme, or an antigen.